

Remarks/Arguments

Applicants respectfully request reconsideration of the rejections set forth in the Final Office Action mailed July 11, 2003. Claims 61-63 and 65-67 have been withdrawn from consideration and have been cancelled herein. Claims 31, 50, and 60-77 have been rejected. Claims 60 and 64 have been objected to. Claims 72-77 have been allowed.

The comments in the Office action are now addressed in turn.

Rejections under 35 U.S.C. §102(b) / (e)

Claims 31, 50, and 68-71 have been rejected as being allegedly anticipated by Schall et al. U.S. 6,559,160 ("Schall") or by Baxter et al. U.S. Patent 6,545,005 ("Baxter"). The rejection is respectfully traversed as applied to the amended claims.

As repeatedly indicated by the courts, anticipation requires that all of the elements and limitations of the claim be found within a single prior art reference. There must be no difference between the claimed invention and the disclosure provided by the reference, as viewed by a person of ordinary skill in the field of the invention. (*Scripps Clinic & Research Fdn. v. Genentech, Inc.*, 927 F.2d 1565, 1576 [Fed. Cir. 1991]). Furthermore, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 [CCPA 1974]).

The present invention is drawn to various quinazolinone amines. As claimed herein, these compounds have a stereogenic center at the carbon to which R₂ and R₂' are attached. More specifically, R₂ and R₂' are different. As they are different, the stereogenic center is chiral. In a preferred embodiment, the stereogenic center is of the R-configuration. The claims have been amended herein to specify that the compounds have >95% chiral purity. As the instant claims now recite a limitation of purity for the R-configuration, the cited art does not anticipate the claimed invention.

Moreover, the presently claimed invention is drawn to compounds wherein R₁ is not phenyl or substituted phenyl. In contrast, Schall and Baxter describe compounds wherein R₁ is phenyl or substituted phenyl. Accordingly, the cited art does not anticipate the claimed invention.

Applicants respectfully request that the rejection be withdrawn.

Claim Objections

Applicants acknowledge with gratitude the indication by the Office that Claims 60 and 64 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended these claims accordingly. Applicants request that the objection be withdrawn.

Conclusion

The Applicant respectfully maintains that all pending claims are in condition for allowance. Therefore, the Applicant respectfully requests a Notice of Allowance for this Application from the Examiner. Should any unresolved issues remain, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,
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